

Public Statement

Mapuche Human Rights Commission

Europe March 22, 2021

State of Emergency in Mapuche territory. Protect the human rights of the Mapuche population.

We request the support of the Institute of Human Rights in Chile, The United Nations Special Rapporteur on the rights of indigenous people and the Inter-American Commission on human rights, to take effective action to stop the imposition of a constitutional state of emergency on Mapuche territory.

On the 3rd of March 2021, the Chilean Chamber of Deputies approved the Resolution Project 1448 that lends political support to the President of the Republic to order by decree a state of Constitutional Exception and deploy armed forces in the Southern Zone of Chile (Mapuche Territory)

In Chile since 1997 the state has applied anti-terror legislation against ordinary citizens and Mapuche activists that has led to discriminatory judicial practice via anonymous witnesses, long prison sentences and systemic police brutality. To date, none of the terrorism charges at the tribunals have resulted in convictions. The only three cases that have led to sentencing against Mapuche community members 'Ralco, Lonkos and Poluco Pidenco' were in 2014 yet were annulled by the Inter-American Court of human rights because the Judges of the Inter-American Court declared their opposition to the sentencing of the Chilean court citing irregularities at persecution level and penal racism.

In 2013 the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, recommended that the Chilean state refrain from applying the anti-terror law in the southern region. The Inter-American court of human rights the special Rapporteur concluded that the Anti-Terror Law was 'applied in a confusing and arbitrary manner that resulted in injustice and impaired the right to fair trial and has been a factor of stigmatization and de-legitimization of the territorial claims and Mapuche social protest.' It emphasizes that the existence of terrorist Mapuche organisations cannot be verified and highlights that "Chile does not face a terrorist threat on its territory."

The Anti-terrorist Law has been used over the last 24 years to delegitimise the territorial claims and Mapuche social protest. This time, resolution 1448, that provides the President to decree the Constitutional State of Emergency on Mapuche Territory grants the military the power to restrict the freedom of movement, the right of assembly and gives them judicial police power. Consequently, the presence of troops in the Macro Southern Zone of Chile legalizes collective punishment against the Mapuche Population.

The constitutional history of Latin America teaches us that each time the Armed Forces take on policing roles under the pretext of battling aggression against the state, it results in grave violations to human rights and crimes against humanity. Over the last few years those in higher office in the Chilean armed forces and the police have been involved in innumerable cases of corruption and human rights abuses. It is of our utmost conviction that those institutions will not guarantee social peace, public order, or governability.

The Conflicts that we are witnessing in the Mapuche territory arise as a result of broken political agreements on behalf of the Chilean State. The lack of will to establish political dialogue has given way to violence. Diverse studies highlight that the exercising of violence in the region comes from the large landowner and the state. In its defence, the Mapuche have utilized diverse forms of protest yet have never employed terrorism as a method of struggle.

Over the last two decades, various international organisation have highlighted that the conflict in Araucania the conflict is on behalf the state with the Mapuche people. They recommend that the state adopts a political solution arising from dialogue at high levels between the Chilean state and various Mapuche leaderships.

- We request the support of the Chilean Institute of Human Rights, the special rapporteur of the United Nations for the Rights of Indigenous People and the Inter-American Commission on human rights to take effective action to halt the imposition of a Constitutional State of Exception on Mapuche territory.
- In the face of imminent risk of the imposition of a Constitutional State of Exception on Mapuche Territory we request the implementation of precautionary measures on behalf of the Inter-American Commission on Human Rights to protect the human rights of the Mapuche.

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